

0270, 2008 WL 5068704, at *2 (S.D. Tex. Nov. 21, 2008) (denying request for additional time to depose expert as deposition “would have been an unjustified waste of time and expense because she would not be allowed to testify as an expert in this case”).

WHEREFORE, Monsanto respectfully requests that this Court grant Monsanto’s motion to strike Mr. Berneman’s anticipated expert testimony, award Monsanto all of its attorneys’ fees and expenses in filing and arguing this Motion, and grant such other and further relief that the Court deems just and proper.

Dated: December 16, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16th day of December, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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